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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: FOSAMAX PRODUCTS
LIABILITY LITIGATION

This Document Relates to:
Nancy Anderson v. Brite Dental Corp., et al.:
Case No. 1:07-cv-09485-JFK

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)
) MDL NO. 1789
) 1:06-md-1789 (JFK)
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)

DECLARATION OF THEODORE V. H. MAYER

THEODORE V. H. MAYER declares as follows:

1. I am an attorney admitted to practice before this Court and a partner at Hughes Hubbard & Reed LLP, attorneys for Defendant Merck & Co., Inc. (“Merck”). I am familiar with the facts set forth herein. I make this declaration based on my own personal knowledge and the business records of the Firm.

2. I make this declaration in support of the Opposition to Plaintiff's Motion for Remand of Defendant Merck & Co., Inc.

3. A true and correct copy of the Complaint filed in *Walla v. Merck & Co., et al.* is attached hereto as Exhibit A.

4. A true and correct copy of the Complaint filed in *Purdy et al. v. Merck & Co., et al.* is attached hereto as Exhibit B.

5. A true and correct copy of the Complaint filed in *Clayton v. Merck & Co., et al.* is attached hereto as Exhibit C.

6. A true and correct copy of the decision issued in *Alshakenbeh v. Food Lion, LLC*, 2007 WL 917354 (M.D. Fla. March 23, 2007) is attached hereto as Exhibit D.

7. A true and correct copy of the decision issued in *Barbee v. U.S.*, 2005 WL 3336504 (W.D. Wis. 2005) is attached hereto as Exhibit E.

8. A true and correct copy of the decision issued in *In re Rezulin Prods. Liab. Litig.*, Case No. 00 Civ. 2483 (LAK), 2003 WL 21276425, (S.D.N.Y. June 2, 2003) is attached hereto as Exhibit F.

9. A true and correct copy of the decision issued in *In re Baycol Prods. Litig.*, Case No. 03-3150, 2003 WL 23305516 (D. Minn. Dec. 15, 2003) is attached hereto as Exhibit G.

10. A true and correct copy of the decision issued in *Spier v. Bayer Corp.*, No. 02-4835, 2003 WL 21223842 (D. Minn. May 27, 2003) is attached hereto as Exhibit H.

11. A true and correct copy of the Memorandum Opinion and Order issued in *Omobude v. Merck & Co., Inc.*, Civil Action No. 3:03CV528LN (S.D. Miss. October 3, 2003) is attached hereto as Exhibit I.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

/s/
Theodore V. H. Mayer

Executed this
21th day of April, 2008